

BOARD OF APPEALS CASE NO. 5130

BEFORE THE

APPLICANT: Georgianne Sheppard

ZONING HEARING EXAMINER

REQUEST: Variance to construct a porch within the required front yard setback; 1756 Judy Way, Edgewood

OF HARFORD COUNTY

Hearing Advertised

Aegis: 3/21/01 & 3/28/01

HEARING DATE: May 7, 2001

Record: 3/23/01 & 3/30/01

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ZONING HEARING EXAMINER'S DECISION

The Applicant Georgianne Sheppard is requesting a variance, pursuant to Harford County Ordinance 6, Section 10.05 to construct a deck within the required 25 foot front yard setback (11 feet proposed) in an R4/CDP District.

The subject parcel is located at 1756 Judy Way, Edgewood, Maryland 21040 and is more particularly identified on tax Map 65, Grid 2E, Parcel 960, Lot 12. The parcel consists of a lot 20.42 feet by 60.63 feet in size, is presently zoned R4/CDP Urban Residential Community Development Project, and is entirely within the First Election District.

Ms. Georgianne Sheppard appeared and testified that she is the Applicant in this case and owner of the subject parcel. The Applicant proposes to add a 14 foot by 16 foot deck to her home. Her property, according to the witness, is unique because it has a public road to the front and a private service road to the rear, resulting in two front yard setbacks. If the road servicing the shopping center were not located to the rear of her property she would not need a variance for the deck. The witness stated that there are similarly sized decks in her neighborhood and she did not believe any adverse impacts to neighboring properties would result from the construction and use of her proposed deck.

There were no Protestants who appeared in opposition to this request. The Department of Planning and Zoning found the property unique and recommended approval of the subject request.

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CONCLUSION:

The Applicant is seeking a variance, pursuant to Harford County Ordinance 6, Section 10.05 to construct a deck within the required 25 foot front yard setback (11 feet proposed) in an R4/CDP District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The subject parcel is a very small lot improved by a recently renovated townhouse. To the rear of the parcel is the Edgewater Village Shopping Center and the service drive used by delivery trucks and trash haulers lies between the subject property and the shopping center. Because the property is bordered by two roads, two front yard setbacks result. This is a unique situation. The subject deck is of a size and location similar to other decks in the area and its construction and use will have little or no adverse impact to adjoining properties. Certainly no impact results to the Edgewater Village Shopping Center property as a result of the relaxation of setback requirements to accommodate this accessory structure on the Applicant's property.

The Hearing Examiner recommends approval, subject to the Applicant obtaining any and all necessary permits and inspections.

Date JUNE 4, 2001

William F. Casey
Zoning Hearing Examiner